

1 GEORGE FROST (State Bar No. 178528)
2 LAW OFFICES OF GEORGE FROST
3 2930 Magnolia Street
4 Berkeley, CA 94705
5 Phone: (510) 666-6001
6 Fax: (415) 247-6001
7 geofrost@comcast.net

8 Attorneys for Plaintiff
9 CAD SYSTEMS UNLIMITED, INC.

10 MICHAEL J. BETTINGER (State Bar No. 122196)
11 PRESTON GATES & ELLIS LLP
12 55 Second Street, Suite 1700
13 San Francisco, CA 94105
14 Phone: (415) 882-8200
15 Fax: (415) 882-8220
16 mikeb@prestongates.com

17 Attorneys for Defendant
18 MICROSOFT CORPORATION

19 UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA
21 SAN FRANCISCO DIVISION

22 CAD SYSTEMS UNLIMITED, INC., a
23 California corporation,

24 Plaintiff,

25 vs.

26 VISIO CORPORATION, a Washington
27 corporation; MICROSOFT CORPORATION,
28 a Washington corporation,

Defendants.

Case No. C 06-0927 JSW

**~~[PROPOSED]~~ ORDER AND
STIPULATED DISMISSAL
WITHOUT PREJUDICE OF
DEFENDANT VISIO
CORPORATION**

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, plaintiff CAD Systems Unlimited, Inc. ("CAD Systems") and defendant Microsoft Corporation ("Microsoft") hereby stipulate to the voluntary dismissal without prejudice of Visio Corporation ("Visio") as a defendant in this action. The parties so stipulate because, (1) after its acquisition by Microsoft, Visio ceased to

1 exist as a separate corporate entity, and (2) Microsoft agrees that it is the real defendant party in
2 interest in this litigation.

3 DATED: May 22, 2006

LAW OFFICES OF GEORGE FROST

6 By _____/s/_____
7 George Frost
8 Attorneys for Plaintiff
9 CAD SYSTEMS UNLIMITED, INC

10 DATED: May 22, 2006

PRESTON GATES & ELLIS LLP

13 By _____/s/_____
14 Michael J. Bettinger
15 Attorneys for Defendant
16 MICROSOFT CORPORATION

17 IT IS SO ORDERED.

18 May 23, 2006
19 DATED:

20 
21 United States District Judge